

**PRACTICE ACT GOVERNING PODIATRY IN ALABAMA
AS AMENDED ALABAMA ACT NO. 82-437
ALABAMA CODE OF 1975**

Article 6. Podiatrists.

Division 1. General Provisions.

Section 34-24-230

Definitions.

For purposes of this title, the following terms shall have the respective meanings ascribed by this section:

- (1) **PODIATRY.** The diagnosis and treatment of disorders of the human foot, as described herein.
- (2) **PRACTICE OF PODIATRY.** The diagnosis and medical or surgical or mechanical or manipulative or electrical treatment of any ailment of the human foot except such definition does not include the amputation of the foot or the administering of an anesthetic other than local.
- (3) **DIAGNOSIS.** The process of ascertaining a disease or ailment by its general symptoms.
- (4) **MEDICAL TREATMENT.** The application to or prescription for the foot of pads, adhesives, felt, plaster or any medicinal agency for both external and internal use in connection with treatment of local ailments of the human foot, except such definition does not include the medical treatment of any systemic disease, but does allow treating the local manifestations of those systemic diseases in the foot.
- (5) **SURGICAL TREATMENT.** The use of any cutting instrument to treat a disease, ailment or condition of the human foot as defined herein, except that a podiatrist shall not be authorized to amputate the human foot, or perform any surgery on the human body at or above the ankle joint, or administer anesthetics other than local anesthetics.
- (6) **MECHANICAL TREATMENT.** The application of any mechanical appliance made of steel, leather, felt or any material to the foot or in the shoe for the purpose of treating any disease, deformity or ailment.
- (7) **MANIPULATIVE TREATMENT.** The use of the hand or machinery in the operation or working upon the foot and its articulations.
- (8) **ELECTRICAL TREATMENT.** Any treatment by means and methods supplied by electric current.
- (9) **HUMAN FOOT.** The terminal appendage of the lower extremity. It contains 26 bones and is divided into three parts - the forefoot, the midfoot, and the hindfoot. The forefoot consists of 14 phalanges and five metatarsals. The midfoot consists of five tarsal bones and their articulations. The hindfoot consists of two tarsal bones, the calcaneus and the talus. The foot is defined as including all 26 complete boney structures below the ankle joint, which ankle joint consists of the distal tibia and fibula and their articulations with the talus. The distal aspect of the tibia and fibula, the achilles tendon, and all structures above the dome of the talus reside within the leg.

(Acts 1967, No. 741, p. 1586, §1; Acts 1971, No. 2427, p. 3870, §1; Acts 1975, No. 1199, p. 2376, §1; Acts 1982, No. 82-437, p. 687, §1; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1.)

Section 34-24-231

False or misleading statements in advertisements.

It shall be unlawful for any person engaged in the practice of podiatry in this state to print or cause to be printed, or circulate or cause to be circulated, or publish or cause to be published, by any means whatsoever, any advertisement or circular in which appears any untruthful, impossible or improbable or misleading statement or statements, or anything calculated or intended to mislead or deceive the public.

(Acts 1967, No. 741, p. 1586, §18.)

Section 34-24-232

Grandfather clause.

Any person who has been engaged in the actual practice of podiatry in this state for at least three full years immediately prior to October 1, 1967, and is of good moral character, shall have 120 days from and after appointment of the first State Board of Podiatry in which to make declaration to the secretary-treasurer of said board, on a blank form to be furnished by said board, of his intention to continue the practice of podiatry in this state and his willingness to take such limited examination in podiatry as the said board may prescribe for the purpose of determining that he is qualified to practice podiatry without jeopardizing the public welfare. Any person serving in the military or naval forces of the United States who was engaged in the practice of podiatry in this state prior to his entering such service shall be considered as being engaged in the practice of podiatry during the time he is in such service. Those engaged in the practice of podiatry in this state as specified in this section who fail to make such declaration shall be deemed to have waived their right under the provisions of this section. Those referred to as privileged to make declaration to the secretary-treasurer of the said board of their intention to continue the practice of podiatry in this state may hereafter be referred to as declarants. Any person who holds a valid license to practice chiropody as provided under Act No. 140, Regular Session 1945, shall be eligible to become a declarant and shall be licensed to practice podiatry in this state, without examination, upon payment to the board of a registration fee of \$25.00, which license shall be subject to renewal as provided in this article.

(Acts 1967, No. 741, p. 1586, §20.)

Section 34-24-233

Exemptions.

Nothing in this article shall be construed as applying to physicians, surgeons or persons authorized to practice the healing arts as otherwise provided under the laws of the State of Alabama. No person who qualifies for a certificate of license under this article shall be subject to examination by the State Board of Medical Examiners.

(Acts 1967, No. 741, p. 1586, §17; Acts 1975, No. 1199, p. 2376, §6.)

Section 34-24-234

Penalties for violations.

Whoever violates any of the provisions of this article wherein the doing of such act is declared to be unlawful is guilty of a misdemeanor and on conviction shall be fined not less than \$100.00 nor more than \$1,000.00, or may be sentenced to hard labor for the county or imprisoned for not more than six months.

(Acts 1967, No. 741, p. 1586, §19.)

Division 2 Board of Podiatry.

Section 34-24-250

Appointment; composition; qualifications of members; terms of office; removal of members; vacancies; one black member required.

(a) The Governor of Alabama shall appoint a State Board of Podiatry consisting of seven persons, each of whom shall be a citizen of the United States and of Alabama, over the age of 25, and shall have been engaged in the actual continuous practice of podiatry in the State of Alabama for at least five years next preceding his appointment. One member of said board shall be appointed each year, with the exception of three members being appointed every fifth year starting in 1979, for terms of five years and until their successors are appointed and qualified. No member of the board shall be reappointed for a successive term; previous board members will be eligible for nonsuccessive appointments. The Governor may remove from office at any time any member of the board for neglect of duty, incompetency, improper or unprofessional conduct or when the license or certificate of any member has been suspended or revoked. Vacancies on said board shall be filled by appointment by the Governor in the manner hereinbefore provided. The Governor shall furnish each member of said board at the time of his appointment a certificate of appointment, and said appointee shall qualify by taking the usual oath of office before the judge of probate of his home county within 15 days from the date of his appointment.

(b) After April 6, 1993, each vacant office occurring shall be first offered to each available black licensee until a black member is appointed to the board. When a black member is appointed to the board, thereafter appointments shall be made in such a manner as to ensure at least one black member on the board at all times.

(Acts 1967, No. 741, p. 1586, §3; Acts 1979, No. 79-601, p. 1065, §1; Acts 1993, No. 93-156, p. 233, §3.)

Section 34-24-251

Meetings; quorum.

The State Board of Podiatry shall hold an annual meeting at such time and place as it may designate for the examination of applicants for licenses or certificates and for the discharge of all such other business as may legally come before it, and may hold such additional meetings, on call of the president of said board, and the president shall call such meetings on petition of a majority of the members of said board, as may be necessary for the examination of the applicants for licenses or certificates, or for carrying into effect the provisions of this article; and at these meetings said board may transact any and all business that may legally come before it. The

secretary-treasurer shall transact all ad interim business for said board unless otherwise specified in this article. A majority of the members of said board shall constitute a quorum for the transaction of business; and, should a quorum not be present on the day appointed for any meeting, those present may adjourn from day to day until a quorum is present.

(Acts 1967, No. 741, p. 1586, §4; Acts 1989, No. 89-242, p. 342, §3.)

Section 34-24-252

Powers and duties generally.

The State Board of Podiatry shall be the certifying board for podiatrists and shall have the exclusive power and authority to certify and to issue, suspend, revoke, and reinstate all licenses or certificates authorizing the licensee to practice podiatry in the State of Alabama, and shall have the following authorities and shall perform the following duties:

- (1) To promulgate any rules and regulations for its government as it may deem necessary and proper; and for purposes of disciplining its licensees, in addition to any other powers of the board, the board may adopt and collect administrative fines, not to exceed \$1,000 per violation, and may institute any legal proceedings necessary to effect compliance with this chapter.
- (2) To provide a standard of efficiency as to the moral, educational, and experience qualifications and fitness for all persons who desire to practice podiatry in this state.
- (3) To elect annually one of its members as president, one as vice-president, and one as secretary-treasurer, who shall hold their respective offices for one year and until their successors are elected and qualified. If a vacancy occurs in either of the three offices, a special meeting of the board shall be called for the purpose of filling the vacancy for the unexpired term.
- (4) To administer any oaths and take any affidavits as are required by this article, certifying thereto under its hand and the seal of the board.
- (5) To assist in the prosecution of violations of this article.
- (6) To appoint or employ a legal adviser or counsel, when deemed necessary, whose compensation shall be fixed by the board and paid in the same manner as the per diem and expenses of the board are paid.
- (7) To adopt a common seal to be affixed to its official documents.
- (8) To keep a record of its proceedings, a register of persons licensed as podiatrists, and a register of licenses and certificates by it revoked.
- (9) To annually, on or before January 1, make a report to the Governor of Alabama of all its official acts during the preceding year, of its receipts and disbursements, a full and complete report of the condition of podiatry and the practice in this state, and to file duplicate copies of the report with the Secretary of State, the State Auditor, and the Alabama Department of Archives and History.
- (10) To employ, when deemed necessary and without regard to the state Merit System, and set the salary of, an executive secretary who shall serve at the pleasure of the board and shall administer board policy. The executive secretary may be a licensee or member of the board.

(Acts 1967, No. 741, p. 1586, §5; Acts 1987, No. 87-588, p. 970, §1; Acts 1989, No. 89-242, p. 342, §3; Acts 1993, No. 93-156, p. 233, §3.)

Section 34-24-253

Compensation of members; disposition of funds realized from fees.

The members of the State Board of Podiatry shall each be entitled to receive the same per diem and travel allowance as is paid by law for state employees for each day actually employed in the discharge of their official duties, in addition to any daily compensation or allowance, if any, as may be provided by the board, in such amount as may be determined by the board out of the funds realized from the fees provided for in this article. Should the funds in the hands of the board at the end of any fiscal year be more than fifty thousand dollars (\$50,000), the excess of this amount shall be paid into the General Fund in the State Treasury.

(Acts 1967, No. 741, p. 1586, §6; Acts 1985, No. 85-359, p. 300, §3; Acts 1989, No. 89-242, p. 342, §3; Acts 2001-253, p. 305, §3.)

Section 34-24-254

Salary and bond of secretary-treasurer.

The secretary-treasurer of the State Board of Podiatry shall be paid such salary, in addition to per diem and his necessary expenses, as may be fixed by said board, which shall be payable solely from the funds of the board. Before assuming the duties of his office, he shall execute a bond payable to the State of Alabama, to be approved by the board, in the sum of \$10,000.00, conditioned upon the faithful discharge of the duties of his office; the premium for such bond shall be paid from the funds realized from the fees provided for in this article. Such bond, with the approval of the board and oath of office endorsed thereon, shall be filed with the Secretary of State and shall be kept in his office.

(Acts 1967, No. 741, p. 1586, §7; Acts 1989, No. 89-242, p. 342, §3.)

Section 34-24-255

Examinations - Required; qualifications of applicant; application; scope; contents; issuance of license; fees.

(a) Every person desiring to commence the practice of podiatry shall apply to the board and shall pay an application fee as established by the board. The applicant shall thereafter take and pass the standard examination provided in this article and fulfill the other requirements as herein provided. The applicant shall be 19 years of age or over, or the age as the board may by rule determine, of good moral character, shall be a graduate of a college of podiatry recognized by the American Podiatric Medical Association, shall have completed a podiatric residency approved by the American Podiatric Medical Association or by the State Board of Podiatry under its rules and regulations, shall have successfully passed all parts of the examination given by the National Board of Podiatric Examiners and shall be able to pass the standard examination prescribed by the State Board of Podiatry. The standard examination shall consist of tests in practical, theoretical, and physiological podiatry, in the anatomy and physiology of the human foot, and in pathology as applied to podiatry. In addition, the standard examination shall test the knowledge of the applicant of the Podiatry Practice Act and the rules and regulations of the board. The standard examination shall not be out of keeping with established teachings and adopted

textbooks of recognized schools of podiatry. If the applicant satisfactorily passes the examination provided for he or she shall be issued a license to practice podiatry.

(b) The board may establish and collect an application fee and an examination fee from applicants for licensure, and a nonrefundable reexamination fee for a second or subsequent examination.

(Acts 1967, No. 741, p. 1586, §8; Acts 1975, No. 1199, p. 2376, §2; Acts 1985, No. 85-359, p. 300, §3; Acts 1987, No. 87-588, p. 970, §1; Acts 1989, No. 89-242, p. 342, §3; Acts 1997, No. 97-159, p. 216, §3; Act 98-366, p. 665, §1.)

Section 34-24-256

Examinations — Conduct.

The State Board of Podiatry shall on the day of the examination furnish each applicant with official blank paper, of uniform size, which size shall not vary but be kept uniform from year to year, and such official paper shall be paid for out of any funds received from fees paid by applicants. Before taking the examination, each applicant shall register his name and post office address, with such other facts as the board may require, and each applicant shall be given a number under which he shall be examined, which number shall be endorsed on the register, which must be kept securely by the secretary-treasurer of said board. Within 10 days after the grading of papers, each member of the board shall forward all papers graded by him to the secretary-treasurer.

(Acts 1967, No. 741, p. 1586, §9; Acts 1989, No. 89-242, p. 342, §3.)

Section 34-24-257

Examinations - Second or subsequent examination.

If any applicant fails to pass the standard examination, he shall, after six months and prior to 12 months from the date of said failure, be permitted to take a second or subsequent authorized examination upon the payment of an additional nonrefundable fee as determined by the board. Should he fail to pass the second examination, the fee which accompanied his original application shall be forfeited to the board, and he shall not be entitled to another examination without making a new application and paying the nonrefundable fee.

(Acts 1967, No. 741, p. 1586, §10; Acts 1975, No. 1199, p. 2376, §3; Acts 1985, No. 85-359, p. 300, §3; Acts 1989, No. 89-242, p. 342, §3.)

Section 34-24-258

Deposit and expenditure of funds of the board; bonds of officers; ratification of actions of existing bank account.

(a) All funds received by the board shall be deposited to the credit of the board in a federally insured bank selected by the board, and the execution and enforcement of this article and the payments of salaries, expenses, and other authorized costs shall be paid by checks drawn by the secretary-treasurer and countersigned by the president or the administrative secretary of the board.

(b) The president, administrative secretary, and secretary-treasurer shall give such bonds as the board from time to time directs.

(c) Any actions relating to any bank account of the board existing prior to March 26, 1997 are ratified and confirmed.

(Acts 1997, No. 97-159, p. 216, §4.)

Division 3. Licenses.

Section 34-24-270

Practicing podiatry without license; penalty.

Any person who shall practice podiatry in this state or hold himself out to the public as a podiatrist, or who shall in any sign or advertisement use the word "podiatrist," "foot specialist," "foot correctionist," "foot expert" or "chiropodist" or any other term or terms or letters indicating that he is a podiatrist or that he practices or holds himself out as practicing podiatry or foot correction, without having at the time of so doing a valid certificate of qualification as provided in this article, shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than \$50.00 nor more than \$500.00, and may be imprisoned for not less than one month nor more than three months. This article shall not prohibit the fitting, recommending, advertising, adjusting or the sale of corrective shoes, arch supports or similar mechanical appliances or patent or proprietary remedies by licensed retail drug or shoe dealers or manufacturers; but this exception shall not apply to the casting, molding or making of individual molded footwear or devices, unless the same is made upon the prescription of a licensed physician or licensed podiatrist.

(Acts 1967, No. 741, p. 1586, §2.)

Section 34-24-271

License to podiatrist coming to this state; fee.

Repealed by Act 98-366, p. 665, §2, effective July 1, 1998.

(Acts 1967, No. 741, p. 1586, §11; Acts 1975, No. 1199, p. 2376, §4; Acts 1985, No. 85-359, §3.)

Section 34-24-272

Special certificate.

Any person who is a legal, ethical, and competent practitioner of podiatry in this state, who has been duly examined and licensed by the State Board of Podiatry, and of good moral character and known to the board as such, who shall desire to change his or her residence to another state or territory, or foreign country, shall, upon application to the board and the payment of a fee of fifty dollars (\$50), receive a special certificate over the signature of the president and secretary-treasurer of said board and bearing its seal which shall give the date upon which he or she was registered and licensed.

(Acts 1967, No. 741, p. 1586, §12; Acts 1985, No. 85-359, p. 300, §3; Act 98-366, p. 665, §1.)

Section 34-24-273

Issuance; contents; display by holder.

Every applicant who shall pass the standard examination, or whose reciprocity has been accepted by the State Board of Podiatry, shall receive from said board a license entitling him to practice podiatry in Alabama, which license shall be signed by the president of the board and countersigned by the secretary-treasurer of the board and have affixed thereto the seal of the board and be duly numbered and registered in the record book kept by the secretary-treasurer of said board, which said record book shall be open to public inspection, and a duly certified copy of said record shall be received as evidence in all courts of this state in the trial of any case. Each person to whom a license has been issued shall keep said license conspicuously in his office or place of business and shall whenever required exhibit the license to any member or representative of the board.

(Acts 1967, No. 741, p. 1586, §13.)

Section 34-24-275

Renewal; continuing education.

Every licensed podiatrist who desires to continue the practice of podiatry shall annually, on or before the first of October, pay to the secretary-treasurer of the state board a renewal registration fee in a reasonable amount set by the board and comply with such other conditions as may be prescribed by the State Board of Podiatry; provided, however, that said license shall be renewed within 30 days after October first, or the licensee shall pay the renewal registration fee and a penalty of \$300.00. Among the conditions to be prescribed by the State Board of Podiatry is the requirement that evidence be furnished by the applicant for renewal of completion of a continuing education program. Such program shall consist of no less than 12 hours, which shall be obtained at the annual state meeting of the Alabama Podiatry Association or any other continuing education program approved by the State Board of Podiatry. Any licensed podiatrist who is inactive in the practice of podiatry for a period of two years may have his license renewed to practice his profession on such conditions as may be prescribed by the State Board of Podiatry.

(Acts 1967, No. 741, p. 1586, §15; Acts 1975, No. 1199, p. 2376, §5; Acts 1979, No. 79-601, p. 1065, §2; Acts 1985, No. 85-359, p. 300, §3.)

Section 34-24-276

Suspension or revocation; members of board immune from suit.

A license issued to any person may be suspended for a definite period of time or revoked by the State Board of Podiatry for any of the following reasons:

- (1) Conviction of any offense involving moral turpitude, in which case the record of conviction or a certified copy thereof certified by the clerk of the court or by the judge in which court the conviction is had shall be conclusive evidence of such conviction;
- (2) For unprofessional conduct; "unprofessional conduct" shall mean any conduct of a character likely to deceive or defraud the public, lending his license by any licensed podiatrist to any person, the employment of "cappers," or "steerers" to obtain business, "splitting" or dividing a

fee with any person or persons, the obtaining of any fee or compensation by fraud or misrepresentation, employing directly or indirectly any suspended or unlicensed podiatrist to do any professional work, fraudulent or misleading advertising, the use of any advertising which does not include a disclaimer required by rules and regulations of the board, carrying the advertising of articles not connected with the profession, the employment of any drugs or medicines in his practice unless authorized to do so by the laws covering the practice of medicine of this state;

(3) When a license or certificate has been obtained by fraud, deceit or misrepresentation, whether knowingly or unknowingly practiced on the board;

(4) When the holder of a license or certificate is suffering from a contagious or infectious disease;

(5) Gross incompetency, wilful or wanton negligence or repeated negligence in the practice of podiatry;

(6) Intemperance in the use of intoxicating liquors or narcotics to such an extent as to unfit the holder of the license for the proper practice of podiatry;

(7) Failure to renew license and pay penalty as prescribed herein;

(8) Failure to comply with continuing education requirements prescribed herein;

(9) Violating any rule or regulation promulgated by the Board of Podiatry; or

(10) Disciplinary action taken by another state based upon acts by a licensee similar to acts described in this section which results in suspension or revocation of a license or certificate to practice podiatry in another state. A certified copy of the record of the disciplinary action of the state taking such an action shall be conclusive evidence thereof.

Whenever charges are preferred against any holder of a license, the board shall fix a time and place for the hearing of the same, and a copy of the charges, which must be made in writing, and verified by oath, together with a notice of the time and place where they will be heard and determined, shall be served upon the accused at least 10 days before the date fixed for said hearing. When personal service cannot be effected, the board shall cause to be published at least 30 days prior to the date set for the hearing in a newspaper published in the county in which accused was last known to practice a notice to the effect that at a definite time and place a hearing will be held by the board on charges preferred against said person. The board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials or other evidence; the accused shall have the right to be confronted by the person or persons preferring said charges, to cross-examine the witnesses against him, to be represented by counsel and to have the testimony taken down by a stenographer, but the expense of counsel and stenographer, either or both, shall be borne by the accused. Witnesses at hearings before the board shall testify under oath and may be sworn by any member of the board. In all cases of suspension or revocation of licenses as herein provided for, the holder may appeal to the circuit court, or other court of like jurisdiction, in the county in which the person whose license or certificate is ordered revoked resides.

Members of the Board of Podiatry or the members of any committee of podiatrists impaneled by the board, making any report or rendering any opinion or supplying any evidence or information or offering any testimony to the board in connection with a disciplinary investigation or action as authorized in this article shall be immune from suit for any conduct in the course of their official duties with respect to such investigations, actions or hearings.

(Acts 1967, No. 741, p. 1586, §16; Acts 1987, No. 87-588, p. 970, §1.)